

INT-03-010



EFW

October 20, 2005

To: Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Art Unit 2832 - Kyung S. Lee

From: George O. Saile, Reg. No. 19,572

28 Davis Avenue

Poughkeepsie, N. Y., 12603

Subject: | Serial No.: 10/811,082 03/26/04 |

Thomas Aisenbrey

LOW COST KEY ACTUATORS AND OTHER
SWITCHING DEVICE ACTUATORS
MANUFACTURED FROM CONDUCTIVE LOADED
RESIN-BASED MATERIALS

| Art Group: 2832 Kyung S. Lee |

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction or Election Requirement in the Office Action dated 10/04/05. In that Office Action, restriction was required to one of two stated

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 20, 2005.

Stephen B. Ackerman, Reg.# 37761

Signature/Date

A handwritten signature "S.B.A" is written over a handwritten date "10/20/05".

Inventions under 35 U.S.C. 121. The Inventions stated are Group I - Claims 1-43 to a switch device, classified in Class 200, subclass 262 and Group II - Claims 44-53 to a process, classified in Class 29, subclass 622.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 44-53 drawn to a process classified in Class 29, subclass 622. This election is made with traverse of the requirement under 37 C.F.R.1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction given in the Office Action. The Examiner gives the reason for the distinctness of the two inventions as (1) that the process as claimed can be used to make other and materially different products or (2) that the product as claimed can be made by another and materially different process (MPEP 806.05(f)). However, upon reading the product Claims against the process Claims one can readily see that the product Claims are directed to "a switching device" and the process Claims are directed to "a method to form a switching device", it is necessary to obtain claims in both the product and method claim language. The method Claims necessarily use the product and vice versa. The field of search must necessarily cover both the method class/subclass 29/622 and products class 200/262 in addition to other related

Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "In the instant case, the process as claimed can be used to make toy model cars and the product as claimed can be made by another materially different process such as sputtering", is very speculative and really has nothing to do with the Claims as presented in this Patent Application. Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of a second Patent Application upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement and the Allowance of the present Patent Application is requested.

Sincerely,



Stephen B. Ackerman, Reg. #37761